

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

GAREY E. SEGER AND TWILA SEGER,
Husband and Wife,

Plaintiffs,

vs.

**TANK CONNECTION, LLC,
ROUNDTABLE ENGINEERING
SOLUTIONS, LLC, KIRK WELDING
SUPPLY, INC., and BURNS &
MCDONNELL ENGINEERING
COMPANY, INC.,**

Defendants.

8:08CV75

ORDER

This matter is before the court on the motion ([Filing No. 493](#)) of the defendant, Kirk Welding Supply, Inc. (Kirk), to reconsider the order ([Filing No. 474](#)) denying Kirk's Motion for leave to serve subpoenas ([Filing No. 393](#)) upon the Social Security Administration and Nebraska Department of Health and Human Services Medicare Department. Kirk filed a brief ([Filing No. 494](#)) and an index of evidence ([Filing No. 495](#)) in support of its motion. The plaintiffs filed an objection ([Filing No. 496](#)) opposing the motion.

The court entered an order on April 22, 2010 ([Filing No. 377](#)) compelling the plaintiff, Garey Seger, to provide his Medicare or Social Security numbers to the defendant, Roundtable Engineering Solutions, LLC (Roundtable). In the instant motion, Kirk argues the compelled information should have been provided to all of the defendants, even though the request was made only by Roundtable. **See** [Filing No. 494](#) - Brief. In support of this contention, Kirk provided evidence in the form of email correspondence between counsel for Kirk and counsel for Roundtable regarding Kirk's drafting of the motion to compel at issue; and an Affidavit from Dean Suing, counsel for Roundtable, stating he worked with Kirk's counsel when submitting the motion to compel (and related filings) and, further,

4. Although the Motion was only submitted by Roundtable Engineering Solutions, Inc., it was intended to benefit all Defendants and, particularly, Kirk Welding Supply, Inc. who helped draft the above noted filings.

5. When Plaintiff was ordered to produce a response to Roundtable's Interrogatory, Plaintiff was required, for the first time, to provide that information and serve it upon all Defendants, including Kirk Welding Supply, Inc.

See [Filing No. 495](#) - Index of Evidence.

In light of the information provided and being fully advised in the premises, Kirk's motion to serve subpoenas ([Filing No. 393](#)) is hereby granted and the court's order dated June 7, 2010 ([Filing No. 474](#)) is hereby set aside. The plaintiffs' objection ([Filing No. 496](#)) is overruled.

IT IS SO ORDERED.

DATED this 16th day of July, 2010.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge